

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
V.)	CIVIL NO. SA-12-CV-508-XR
)	
A 46.175 ACRE TRACT OF LAND,)	
MORE OR LESS,)	
)	
Respondent.)	

MOTION TO DISMISS VERIFIED COMPLAINT FOR FORFEITURE

COMES NOW Petitioner, the United States of America, by and through its United States Attorney for the Western District of Texas, and moves this Honorable Court for the dismissal of the Verified Complaint for Forfeiture filed in this instant case.

I.

On May 22, 2012, the United States filed a Verified Complaint for Forfeiture (Doc. 1) against the following real property which is more particularly described as follows:

- TRACT 1:** That certain 46.175 acre tract of land being all of that conveyed in Special Warranty Deed to Tally-Ho Venture, Ltd., recorded in Volume 11819, Pages 1848-1856 of the Official Public Records of Real Property of Bexar County, Texas, out of the Charles S. Seidenschur Survey No.410, Abstract 1222, County Block 4725 of Bexar County, Texas, now in New City Blocks 14859 and 34725 of the City of San Antonio, Bexar County, Texas, and being more fully described on **Exhibit "A"** attached to the Verified Complaint for Forfeiture (Doc. 1) and incorporated herein by reference for all purposes; **SAVE AND EXCEPT** that certain 1.00 acre, or 43,577 square feet more or less tract of land more fully described on **Exhibit "B"** attached to the Verified Complaint for Forfeiture (Doc. 1) and incorporated herein by reference for all purposes.
- TRACT 2:** An easement to Tract 1, said easement being 0.1383 acres, and being 16 feet wide, created, granted and described by Sanitary Sewer Easement Agreement by and between La Cantera Development Company, as grantor, and Camp Bullis, Ltd., as grantee, dated July 29, 2003, recorded

in Volume 10189, Page 1718, Official Public Records of Real Property of Bexar County, Texas,

hereinafter collectively referred to as the Respondent Real Property, alleging violations of Title 18 U.S.C. §§ 1956 and 1957.

II.

The United States files this Motion to Dismiss the Verified Complaint for Forfeiture pursuant to the Amended Order for Sale of the Respondent Real Property (Doc. 180), and respectfully advises the Court that it is no longer in the best interest of the United States to proceed with the forfeiture of the Respondent Real Property; therefore, the instant civil case should be dismissed with prejudice.

III.

In addition, the United States of America moves the Court to order that any pending motions filed in the instant case be denied as moot.

WHEREFORE, premises considered, Plaintiff United States of America prays that the Court GRANT this Motion to Dismiss the Verified Complaint for Forfeiture, and close the instant civil case.

Respectfully submitted,

RICHARD L. DURBIN, JR.
United States Attorney

By: /s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2016, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System, which will transmit notification of such filing to CM/ECF participants:

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/s/ _____
Mary Nelda G. Valadez
Assistant United States Attorney

On this day came on to be considered the Motion to Dismiss the Verified Complaint for Forfeiture filed by the Petitioner, United States of America. The Court, having considered the merits of the Motion, is of the opinion that the Verified Complaint for Forfeiture (Doc. 1) filed in the instant case should be dismissed with prejudice as to the following real property which is more particularly described as follows:

TRACT 1: That certain 46.175 acre tract of land being all of that conveyed in Special Warranty Deed to Tally-Ho Venture, Ltd., recorded in Volume 11819, Pages 1848-1856 of the Official Public Records of Real Property of Bexar County, Texas, out of the Charles S. Seidenschnur Survey No.410, Abstract 1222, County Block 4725 of Bexar County, Texas, now in New City Blocks 14859 and 34725 of the City of San Antonio, Bexar County, Texas, and being more fully described on **Exhibit "A"** attached to the Verified Complaint for Forfeiture (Doc. 1) and incorporated herein by reference for all purposes; **SAVE AND EXCEPT** that certain 1.00 acre, or 43,577 square feet more or less tract of land more fully described on **Exhibit "B"** attached to the Verified Complaint for Forfeiture (Doc. 1) and incorporated herein by reference for all purposes.

TRACT 2: An easement to Tract 1, said easement being 0.1383 acres, and being 16 feet wide, created, granted and described by Sanitary Sewer Easement Agreement by and between La Cantera Development Company, as grantor, and Camp Bullis, Ltd., as grantee, dated July 29, 2003, recorded in Volume 10189, Page 1718, Official Public Records of Real Property of Bexar County, Texas,

hereinafter the Respondent Real Property. IT IS THEREFORE

ORDERED that any pending motions filed in the instant case are denied as moot; and IT IS FURTHER

ORDERED that the Verified Complaint for Forfeiture (Doc. 1) filed against the Respondent Real Property be, and hereby is, DISMISSED with prejudice, and the instant civil case be, and hereby is, CLOSED.

IT IS SO ORDERED.

SIGNED this ____ day of November, 2016.

XAVIER RODRIGUEZ
United States District Judge